United Nations E/C.19/2010/12/Add.7

Economic and Social Council

Distr.: General
24 February 2010
English
Original: Spanish

Permanent Forum on Indigenous Issues
Ninth session
New York, 19-30 April 2010
Items 3 and 4 (a) of the provisional agenda*

Discussion on the special theme for the year, "Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples"

Human rights: Implementation of the United Nations Declaration on the Rights of Indigenous Peoples

Information received from Governments

Colombia

Summary

The present report contains information on the follow-up of the Government of Colombia to the recommendations of the Permanent Forum on Indigenous Issues at its eighth session.**

* E/C.19/2010/1.

** The Government of Colombia has prepared two annexes to this report: Annex I, "Colombian legal standards in favour of indigenous peoples, 1991 Political Constitution", and Annex II, "Fundamental right of indigenous peoples and black communities 'to decide on measures (judicial and administrative) and timing of projects, work or activities within their territory, with a view to protecting their cultural, social and economic integrity and ensuring their right to participation'". The annexes are available on the website of the Permanent Forum on Indigenous Issues (http://www.un.org/esa/socdev/unpfii/es/index.html), and can be consulted at the offices of the Secretariat of the Permanent Forum on Indigenous Issues.

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Questionnaire sent to Governments for the preparation of reports to be submitted to the Permanent Forum on Indigenous Issues in advance of its session

I. Summary

1. Colombia is committed to upholding human rights and guaranteeing the fundamental right to equality. With that end in mind, the country has worked to eliminate and punish all forms of discrimination in order to ensure thereby that the rights of indigenous peoples are protected. The process of recognizing, promoting and highlighting the rights and cultures of ethnic minorities has been consolidated through a rich corpus of legislation and jurisprudence as well as Government efforts to realize the effective exercise of those rights.

2. The Government has consistently promoted the right of indigenous communities to self-determination by respecting and disseminating their decisions. The Government of Colombia has established the Prior Consultation Group within the Ministry of the Interior and Justice, with the task of guaranteeing at all times the right to consultation as recognized in Convention No. 169 of the International Labour Organization (ILO).

3. In accordance with the recommendations formulated at the eighth session with regard to the situation of indigenous women, the national Government has made positive strides in protecting the fundamental rights of women victims of forced displacement. Indigenous women have been involved, of course, in that process, which draws on the provisions of Constitutional Court Order No. 092. The Government and international cooperation agencies are allocating additional resources for that purpose. Through the Presidential Advisory Office on Gender Equality (CPEM), the National Government has also formulated an affirmative action policy entitled "Women Builders of Peace and Development", which is the Government's road map to guide policies asserting women's human rights. Since 2003, measures have been undertaken under that policy to protect the fundamental rights of indigenous women.

4. As a part of the assessment of States' progress in respect of the objectives of the Second International Decade of the World's Indigenous People (2005-2014), the Government of Colombia submitted its answers to the relevant questionnaire. The Government believes that participating in that assessment is of the utmost importance since it provides an opportunity to take stock of how effectively indigenous rights are protected and guaranteed.

5. Colombia has a substantial institutional framework to guarantee the rights of indigenous peoples. An extensive body of legislation and public policy is also in place. Colombia has been praised as one of the most advanced States in terms of recognizing the collective rights of indigenous peoples. For further information, a table containing Colombian legislation in favour of indigenous peoples is attached as an annex.

6. Lastly, it is important to draw attention to the difficulties and challenges which institutions face in ensuring the effective enjoyment of indigenous rights owing to geographic conditions and difficult access, lack of infrastructure in certain areas, and the presence of illegal armed groups.

II. Follow-up to recommendations — Permanent Forum on Indigenous Issues at its eighth session

7. The National Government has focused on preventing human rights violations, providing guarantees for the full exercise of the rights of all citizens, promoting and extending respect for those rights, and complying with the country's international commitments in that regard. In particular, Government action has centred on indigenous peoples through a differential approach.

8. Accordingly, measures adopted in response to the recommendations for Governments formulated by the Permanent Forum at its eighth session are set forth below.

A. Indigenous women[1]

9. In accordance with the recommendations made at the eighth session on the situation of indigenous women, it is important to bear in mind that the claims of the indigenous women of Colombia go hand in hand with the protection of collective rights. In that sense, it is not a question of dealing with individual claims from a gender perspective, but rather of balance in the interactions between men and women with a view towards a decent life for the survival of their peoples.

10. From that perspective, the National Government has made progress in terms of compliance with the 2008 Constitutional Court Order No. 092 on the protection of the fundamental rights of women victims of forced displacement, including indigenous women.

11. Work has been under way to develop the "Protection of the Rights of Displaced Indigenous Women" programme in conjunction with indigenous women from all around the country,[2] through a National Coordinating Committee,[3] whose aim is to build and coordinate the process of formulating that programme, guaranteeing effective participation by indigenous women throughout the country.

12. In that regard, it has been agreed to carry out the work in three phases:

(a) Forming and preparing the team that will undertake the socialization process, comprising 39 leaders at the department level;

(b) Area and local socialization meetings for women to develop the outline and elements of the programme over a period of 10 months; and

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[1] E/C.19/2009/14, paras. 30, 31 and 33.

[2] The workshop was held in Bogotá from 14 to 17 June 2009, and the women there delegated four representatives from the following organizations to form a National Coordinating Committee: the National Indigenous Organization of Colombia (ONIC), the Movement of Indigenous Authorities of Colombia (AICO), the Organization of Indigenous Peoples of the Colombian Amazon-region (OPIAC), and the Tairona Indigenous Confederation (CIT).

[3] This Committee met in Bogotá with support from the Directorate of Indigenous, Minority and Roma Affairs, from 18 to 21 August, to work on the proposal that it would present to the Government, as well as its timetable and budget. On 15 October 2009, the Committee met with the deputy Interior Minister to present the draft proposal. Several alternatives were proposed, which the women would study on 30 October in order to determine the most viable option.

(c) Department meetings to work out the details for each area and launch the programme or final document at the national meeting.

13. It has been an historic step forward for the Colombian State that the indigenous movement has been involved with the high-level coordination efforts for indigenous women, such as women's participation in the Permanent Committee for Consultation.

14. Likewise, it is important to note that non-core resources are already being mobilized by the Government and international cooperation agencies in order to move forward in the implementation of Order No. 092.

15. In addition, CPEM has designed the affirmative action policy "Women: builders of peace and development", the Government's road map governing policies to ensure recognition of the human rights of women. Its guiding principles are equity, equality, participation, respect for the rights of women, respect for international humanitarian law, autonomy, respect for diversity and decentralization.

16. The thematic areas of this policy are:

- Employment and entrepreneurial development
- Education and culture
- Political participation
- Violence against women
- Institutional strengthening

17. In that regard, while developing those areas, CPEM has been working to protect the fundamental rights of indigenous women since 2003; it has met with indigenous women with the participation of ONIC, AICO, the Indigenous Organization of Antioquia (OIA) and OPIAC, and has carried out studies to document the situation of the country's ethnic groups, such as the "Gender analysis of ethnic categories" and the "Update on the situation of the recognition of indigenous women's rights in Colombia", among others.

18. In addition, with a view to encouraging participation by indigenous women within their communities, CPEM carried out three regional workshops with indigenous women in the Sierra Nevada de Santa Marta, Cauca and Amazonas (with the participation of approximately 181 indigenous women), and a central meeting in Bogotá, which gathered together regional experiences relating to the role of indigenous women in the community and the views of international cooperation bodies, indigenous organizations and State bodies competent on the issue, in order to develop an affirmative action plan for indigenous communities focusing on women.

19. In the same way, indigenous women are actively participating in women's community councils, under the theme of "political participation", which are intended to be forums for dialogue for women in departments and municipalities to strengthen their involvement in decision-making on issues that affect them and to facilitate the implementation of the affirmative action policy "Women: builders of peace and development". Similarly, they are also involved in the participatory

councils of women coffee growers (National Federation of Coffee Growers),[4] which aim to empower them with a view to facilitating and strengthening organizational processes, increasing their impact at the local level and, with the support of the committees of coffee growers, at the department and municipal levels.

B. Second International Decade of the World's Indigenous People[5]

20. In accordance with the goal of the Second International Decade of the World's Indigenous People to achieve "the further strengthening of international cooperation for the solution of problems faced by indigenous people [...] by means of action-oriented programmes and specific projects, increased technical assistance and relevant standard-setting activities",[6] the Colombian Government agrees that this evaluation should be viewed as an exercise to help identify the progress that has been made, the lessons learned and best practices, and the areas in which both the international community and Member States must redouble their efforts to promote the satisfactory achievement of the purpose and the goals of the Decade.

21. The Government of Colombia believes that the follow-up to the Second Decade is helping to improve the processes of recognizing, promoting and raising awareness of the rights and culture of ethnic minorities, working in that context to develop programmes, plans, actions and public policies to benefit the special and differential rights of indigenous peoples. That is why it participated in this evaluation.

C. Follow-up to the recommendations of the Permanent Forum on implementation of the United Nations Declaration on the Rights of Indigenous Peoples and to the dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs[7]

22. It is useful to note that the United Nations Declaration on the Rights of Indigenous Peoples has the "unilateral support" of the State of Colombia. Therefore, although the Declaration is not a binding instrument for Colombia, it recognizes the historic importance of the Declaration and values all its aspirations.[8] In that regard, Colombia has been strengthening a process of recognizing, promoting and raising awareness of the rights and culture of ethnic minorities, as demonstrated in the present document.

23. Recognition of the rights of indigenous peoples:

(a) Drawing on a rich corpus of legislation and jurisprudence, in addition to Government efforts, significant progress has been made in recognizing the rights of indigenous peoples. In accordance with the 1991 Political Constitution, indigenous

[4] The world's largest NGO in the coffee growing sector.
[5] E/C.19/2009/14, paras. 34 and 40.
[6] General Assembly resolution 59/174, para. 2.
[7] E/C.19/2009/14, paras. 79-83.
[8] Letter from the Minister of External Relations, Jaime Bermúdez Merizalde, addressed to the Secretary-General of the United Nations, Ban Ki-moon. Unilateral declaration of support for the Declaration, 20 April 2009.

communities exercise political representation through earmarked seats. Their authorities are recognized as such. They have collective deeds for their land, and use it according to their ancestral customs. They benefit from affirmative action, including in health, education and culture, and have opportunities to engage in dialogue with the State and the Prior Consultation Group, thereby exercising their fundamental right to participate in the decisions that could affect them directly;

(b) At the same time, a public policy is being agreed with indigenous peoples in order to establish principles, standards and technical components to guide public and private-sector action aimed at ensuring that indigenous peoples living in Colombia exercise their social, economic, political and cultural rights. The purpose is to improve their living conditions, overcome situations marked by discrimination and marginalization, strengthen the organizational process, and ensure the survival of indigenous peoples and of their socio-cultural diversity.

24. Dialogue:

With respect to dialogue, a topic included in the recommendations of the Permanent Forum, it is a Government priority to expand opportunities for dialogue with indigenous communities. With that end in mind, mechanisms have been established for consultation with indigenous peoples, such as the Permanent Committee for Consultation with indigenous peoples and organizations[9] (Decree No. 1397 of 1996); the Indigenous Peoples' Human Rights Commission[10] (Decree No. 1396 of 1996); and the Amazon Region Committee for the Indigenous Peoples of Colombian Amazonia[11] (Constitutional Court, judgement SU-383 of 2003; Decree No. 3012 of 2005).

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[9] The Committee is the most high-level body for consultation between the State and indigenous peoples represented by indigenous organizations. It is the forum for reaching agreement on all administrative and legislative decisions in favour of indigenous peoples in Colombia. Through the Committee, the following measures have been agreed with indigenous organizations: (i) broadening the participation of indigenous peoples throughout the country, and re-establishing dialogue with the Government; (ii) building public policy concerning indigenous peoples; and (iii) consolidating work methods to organize a programme to guarantee, and 34 plans for safeguarding, the rights of indigenous populations that have been displaced or are at risk of being displaced (Constitutional Court Order No. 004 of 2009).

[10] The Commission met with the indigenous organizations in Bogotá on 14 July 2009 and agreed on specific human rights commitments from the perspective and world view of the indigenous peoples. As a result of the continuous work of the Ministry of the Interior and Justice, in coordination with indigenous organizations and at various forums, the organizations agreed to meet with the Commission and a decision-making quorum was reached. The Commission had not met since 2006 because the indigenous peoples had declared themselves to be in a state of permanent assembly. That situation was remedied when the Government endorsed the principles of the United Nations Declaration on the Rights of Indigenous Peoples at the Durban Conference of 21 April 2009. The next session of the Commission will take place on 22 February 2010 in Bogotá. The National Government hopes that all indigenous organizations will take part, including ONIC, which was absent at the last meeting.

[11] Two meetings were held, on 28 and 29 May and on 3 and 4 November 2009 respectively. In September 2009, the Ministry of the Interior and Justice and the National Hydrocarbon Agency signed Framework Cooperation Agreement 022 on the formulation of public policy, with allocated funds of 398,400,000 pesos, in addition to the National Council on Economic and Social Policy document concerning the indigenous peoples of Colombian Amazonia.

25. Self-determination:

(a) As regards Government action to develop the culture and identity of indigenous peoples, it should be stressed that Colombia recognizes and respects the right of indigenous peoples to free self-determination. Colombia has been one of the few States to have enshrined that right at the constitutional level, 16 years before the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. Article 246 of the Political Constitution of Colombia recognizes that the authorities of the indigenous peoples may exercise judicial functions within their territorial boundaries. That right has become a core component of public policy towards indigenous peoples. It has been recognized and respected since 1991, and has been promoted by the Government of Colombia through each of the consultation mechanisms;

(b) The Government has consistently promoted the right of those communities to self-determination by respecting and disseminating their decisions. The Supreme Council of the Judiciary, whose role is to administer the judicial branch in Colombia, has begun to compile and publish the decisions and rulings of traditional indigenous authorities, classifying them according to the legal issues and communities involved. The ultimate aim is to firmly support the right to self-determination and ensure that it is recognized;

(c) In the same way, the Colombian Government established the Prior Consultation Group under the Ministry of the Interior and Justice, in order to guarantee at all times the right to consultation enshrined in ILO Convention No. 169. This consultation process ensures that members of the indigenous communities have the right to freely pursue their economic, social and cultural development in cases where they could be affected by legislative or administrative measures, or by mining or hydrocarbon exploration directly impacting their communities;

(d) In order to consolidate prior consultation at every level as a fundamental and collective right of ethnic groups, the Government is working through the Ministry of the Interior and Justice to prepare a draft statutory law regulating that process. The draft law will be discussed with the ethnic groups and will take into account each and every possible situation and detail that might arise at the time of its implementation, with a view to bridging the legal gaps that hinder consultations in practice;

(e) Those actions shall be carried out in accordance with the principles of good faith, due process, legitimacy and representativity, intercultural communication and bilingualism, sufficient and adequate information, timely preparation, free participation, legal pluralism, the twin-track approach, coherence, transparency and ethnic pluralism.

26. Openness to extra-conventional mechanisms of the United Nations:

In accordance with its policy of openness and transparency on human rights issues, the Government of Colombia received four United Nations Special Rapporteurs in 2009, including the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, Mr. James Anaya. The United Nations independent expert on minority issues, Gay McDougall, is planning to visit the country in February 2010.

27. Implementation of the recommendations of the Permanent Forum:

(a) In implementing the Forum's recommendations, the Government has found it difficult to cover the entire national territory because of the location of indigenous communities in hard-to-reach areas requiring large-scale efforts involving all kind of resources. Similarly, the lack of infrastructure in some places and the presence of illegal armed groups also limit the Government's ability to guarantee the effective enjoyment of the rights of indigenous peoples;

(b) However, major progress has been made to protect indigenous peoples, including the following:

(i) More robust differentiated measures have been put in place to fight the discrimination and poverty that have affected indigenous peoples by including them within Government policies and plans as most vulnerable population groups, thereby promoting better scenarios of participation, equality and preferential treatment;

(ii) Opportunities have been provided for consensus-building with the representatives of indigenous peoples, promoting human rights and their special rights, including with regard to identity, territory, autonomy, the environment and prior consultation;

(iii) Together with the indigenous peoples, work is under way to draft the public policy document designed to set forth the vision, rights and direction of State authorities, at all levels, as regards attention to and protection, safeguarding and effective enjoyment of their special fundamental rights, both collective and individual;

(iv) A range of mechanisms has been created and implemented to protect and guarantee the rights of indigenous peoples and to prevent all forms of discrimination against them;

(v) Colombia has sought opportunities to cooperate with indigenous organizations, international agencies and State bodies, in order to establish a comprehensive policy that will safeguard the rights of this population and promote their participation and inclusion in society, from a differentiated perspective;

(vi) Joint, inter-agency efforts have been strengthened, boosting the execution of the programmes and plans to protect indigenous peoples, achieving greater coordination among local, regional and national entities.

28. Laws and public policies:

(a) Colombia has been praised as one of the most advanced States in terms of the recognition of the collective rights of indigenous peoples. The Inter-American Development Bank's indigenous legislation index ranks Colombia in first place in terms of the quality of its cultural, economic, territorial and environmental rights legislation for indigenous communities;

(b) In accordance with national legislation, indigenous peoples determine their own political, social and judicial organization, and their authorities are recognized as special public State authorities throughout national territory. Similarly, indigenous reservations have access to the system of distribution of the nation's current revenues, which are allocated to the indigenous communities

collectively by the central Government, so that those resources can be utilized in agreement with municipal administrations to meet the priorities indicated by the indigenous communities. Those provisions of national legislation are in line with the exercise of the right to self-determination, the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions and the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State, rights set forth in articles 4 and 5 of the United Nations Declaration on the Rights of Indigenous Peoples;[12]

(c) Furthermore, in the Colombian electoral system there are special electoral constituencies for indigenous peoples, and specific central institutions responsible for the effective promotion and protection of their rights;

(d) According to the 2005 census, 3.43 per cent of the population of Colombia self-identifies as indigenous. In addition, Colombia has recognized 29 per cent of the national territory as the collective property of indigenous communities, and that property cannot be taken away by proscription, seized or transferred. Indigenous peoples' access to collective or individual land ownership is regulated by legal and administrative provisions guaranteeing that right, in keeping with the State's objectives and with such principles as the social and ecological function of the property;

(e) Colombian law exempts indigenous peoples from compulsory military service under a provision that preserves the cultural identity of our communities;

(f) There are currently 64 indigenous languages in Colombia. The Constitution recognizes the official nature of the languages and dialects of ethnic groups in their territories. In addition, regulations have been included in the educational system in Colombia that allow aboriginal populations to use their languages, transmit their knowledge and preserve their traditions, through an ethnic education policy governed by criteria of inclusion, respect and integration. Such measures are in line with the provisions of article 13 of the United Nations Declaration, which provides that "indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures";[12]

(g) In the field of education, the indigenous peoples of Colombia are protected under Law No. 115 of 1994, which in articles 55 and 56 establishes that education in the ethnic groups shall be guided by the general principles and purposes of education established in the Law, and in addition shall take into account the criteria of integrality, interculturality, linguistic diversity, community participation, flexibility and progressiveness. Its purpose shall be to ensure the processes of identity, knowledge, socialization, protection and adequate use of nature, community systems and practices of organization, use of vernacular languages, teacher training and research in all spheres of culture;[13]

(h) Colombia wishes to renew its commitment to the rights of indigenous peoples, reiterate its willingness to adopt effective measures to acknowledge and

[12] General Assembly resolution 61/295.

[13] Law No. 115 of 1994, regulations of the educational sector, decrees of 1994.

protect the enjoyment of those rights and state that it shares the spirit and principles of the United Nations Declaration on the Rights of Indigenous Peoples.

29. Institutional framework:

(a) Colombia has made a commitment to respect the human rights of all its citizens and to guarantee the fundamental right to equality. This was a decades-long effort to which civil society contributed immensely, and which culminated in the adoption of the 1991 Political Constitution;

(b) The Political Constitution adopts a multidimensional approach to equality since it not only places emphasis on formal equality, but also calls for the attainment of material equality; embodies the concept of equality of opportunities; incorporates the principle of equity; includes the criterion of difference; and calls for affirmative action to be taken in favour of groups that are discriminated against or marginalized and for special protection for highly vulnerable persons;[14]

(c) In the executive branch of government, the Vice-President of the Republic oversees the Government's policy on human rights. There is also a Directorate of Indigenous, Minority and Roma Affairs in the Ministry of the Interior and Justice,[15] an Ethnic and Gender Affairs Unit in the Directorate-General for

[14] The 1991 Constitution recognizes and protects ethnic and cultural diversity (article 7); promotes the adoption of measures "in favour of groups that are discriminated against or marginalized" (article 13); and provides that "the communal lands of ethnic groups are inalienable, imprescriptible and guaranteed against seizure" (article 63).

[15] In this context, article 5 of Decree No. 4530 of 2008 established the Directorate of Indigenous Affairs in the Office of the Deputy Minister of the Interior. Article 13 of that decree establishes the functions of the directorate as follows:

1. To propose policies designed to recognize and protect ethnic and cultural diversity, especially of indigenous and Roma peoples;
2. To safeguard the ethnic and cultural integrity of the indigenous and Roma peoples and to promote their fundamental rights;
3. To design programmes to provide technical and social assistance and policy support for the indigenous and Roma communities and lesbian, gay, transgender and bisexual people;
4. To provide inter-institutional coordination to establish the means for participation by indigenous peoples set forth in legislation, and to promote the participation of organizations and authorities that represent them;
5. To support the Prior Consultation Group in consultations on development projects that affect indigenous and Roma communities;
6. To promote conflict resolution in accordance with the traditions and customs of indigenous and Roma communities;
7. To maintain the register of the traditional indigenous authorities recognized by their respective communities, and of associations of indigenous authorities;
8. To promote a differential approach in the work of the Ministry and the other State agencies that serve the needs of the indigenous and Roma population;
9. To advise the offices of governors and municipal mayors on giving due attention to indigenous communities, the Roma people and lesbian, gay, transgender and bisexual people;
10. To carry out the socio-economic studies necessary for the designation, amelioration, expansion and restructuring of indigenous reservations;
11. To coordinate, with the Ministry of the Environment, Housing and Territorial Development and the Colombian Institute for Rural Development, the establishment of environmental agendas in conjunction with indigenous communities;
12. To plan and implement procedures to award titles to the lands of indigenous communities and lands necessary for communities affected by natural and man-made disasters, coordinating with agencies of the Ministry and bodies involved;

Social Promotion of the Ministry of Social Protection, and a Directorate of Population Groups in the Ministry of Culture, whose task is to advise the Minister on the formulation of policies, plans and projects for the recognition and inclusion of the cultural specificities of various population groups, ethnic groups, and persons with disabilities or those living in vulnerable conditions;

(d) Colombia also has an Office of the Deputy Ombudsman for Ethnic Minorities and an Office of the Deputy Procurator for Human Rights and Ethnic Affairs, which serve as independent oversight bodies;

(e) In addition, the Constitutional Court created under the 1991 Constitution has taken a series of decisions addressing the situation of indigenous peoples and women belonging to the groups mentioned above, following complaints about the violation of their fundamental rights. Notable examples are Orders No. 004[16] and No. 092 of 2009, which give comprehensive instructions to the National Government to give greater attention to the situation of the indigenous populations and women who were displaced or at risk of displacement, something which the Government has been doing with greater responsibility;

(f) In the legislative branch of government, the political participation of minorities in the country is ensured through Law 649 of 2001, regulating article 176 of the Constitution. In that connection, a special national constituency will be established to ensure that ethnic groups, political minorities and Colombians residing abroad are elected to the House of Representatives. Five seats will be assigned to this constituency and distributed as follows: two for black communities, one for indigenous communities, one for political minorities, and one for Colombians residing abroad.

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13. To propose draft laws, draft legislative acts or draft legislative amendments and to analyse regulations and jurisprudence in coordination with the Office of Legal Codification and the Office of Legislative Affairs in their submission, discussion and follow-up in areas in which they are competent;
14. To participate on the boards, commissions and committees and in technical groups of which it is a member or when so delegated by the Minister or Deputy Ministers;
15. To receive petitions, requests and consultations on matters within its competence;
16. To perform such other functions as may be assigned in accordance with the nature of the body.
The Directorate of Indigenous, Minority and Roma Affairs also proposes policies for the recognition and protection of ethnic and cultural diversity, in particular for indigenous and Roma communities and lesbian, gay, transgender and bisexual people.

[16] To establish a framework for monitoring the implementation of judgement T-025 of 2004, which declared the existence of an unconstitutional state of affairs in regard to the situation of displaced people, the Constitutional Court issued Order No. 004 of 2009 on protecting the fundamental rights of indigenous peoples and persons displaced by armed conflict or at risk of forced displacement, in order to protect their fundamental rights. As a result, a series of measures is being established that will be taken by the Government to protect indigenous peoples who have been displaced or are at risk of being displaced:
(a) Formulation and implementation of a programme of guarantees for the 102 indigenous peoples in Colombia;
(b) Preparation and implementation of safeguard plans for 34 indigenous peoples established by the Court.

D. Culture and identity

30. With regard to the topic of culture and identity, which will be addressed during the ninth session of the Forum, the Government has been making progress in keeping with the principle of diversity and multiculturalism.

31. There is great linguistic wealth among the country's indigenous communities; 64 languages, belonging to 22 indigenous language families, have been identified and serve as official languages in the territories in which they are used.

32. In that connection, it should be pointed out that the Ministry of Culture in February 2008 launched the Programme to Protect Ethno-linguistic Diversity, to contribute to the adoption of a policy to protect and promote the languages of ethnic groups in Colombian territory, in cooperation with representatives of the people concerned.

33. This programme develops activities for raising public awareness among citizens, improving information and strengthening institutions. Its objectives are:

- To raise the awareness of ethno-linguistic groups about the value of using their native languages, so that they can develop plans for strengthening those languages;
- To raise national public awareness of the value of linguistic diversity;
- To update the legislative and regulatory framework for the official recognition and protection of the languages;
- To identify or create sources of resources in the State and in its territorial entities to support and promote efforts designed to strengthen native languages;
- To create new advisory, support and monitoring bodies for concerted linguistic policies that are developed;
- To determine precisely the level of vitality of each language, identify obstacles for its transmission, and specify timely actions to be taken in schools, communication media, etc.;
- To foster the advancement of scientific knowledge of the languages, focusing in particular on training native speakers to carry out research work;
- To promote the collection of appropriate documentation of these languages, with special priority given to those that are in danger of extinction.